

#16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
 ARTHUR R. HAIR)
 Serial No. 07/586,391)
 Filed: September 14, 1990) TRANSMISSION SYSTEM
 Art Unit 239)
 Patent Examiner:)

Pittsburgh, Pennsylvania 15222
 December 13, 1990 CERTIFICATE OF MAILING

Assistant Commissioner of Patents
 Crystal Park 2
 Suite 923
 Washington, D.C. 20231

Sir:

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DEC 17 1990

ASSISTANT
 COMMISSIONER'S OFFICE
PETITION

I hereby certify that the correspondence is
 being deposited with the United States Postal
 Service as first class mail in an envelope
 addressed to: Commissioner of Patents and
 Trademarks, Washington, DC 20231,
 on 12/14/90

Anael Schwartz
 Anael M. Schwartz
 Registration No. 30,587

12/14/90

Date

This Petition is for removal of designation of improper
 file wrapper continuation under 37 C.F.R. 1.62 with no filing date
 granted.

Applicant's file wrapper continuation for the
 above-identified patent application was filed by Express Mail on
 September 14, 1990. A Declaration in support of this fact is
 included. This Declaration is by Tracey L. Milka, the secretary
 who physically placed the subject application into Express Mail on
 September 14, 1990. Accordingly, the above-identified application
 should have received a filing date of September 14, 1990 in the
 mail room as per 37 C.F.R. §1.10 (copy attached), but instead
 incorrectly received a date of September 18, 1990, making it an

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improper file wrapper continuation under C.F.R. 1.62 and received no filing date.

Furthermore, on October 30, 1990, essentially as soon as Applicant received the incorrect filing date and before receipt of your October 31, 1990, letter, Applicant filed a form requesting a corrected filing receipt (see Enclosure D).

Enclosed you will find a \$120.00 petition fee, but since this was a Patent Office error, please return the fee. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 03-2411. A duplicate copy of this Petition is enclosed.

Applicant therefore requests that the subject patent application be afforded a proper filing date of September 14, 1990, instead of the incorrect filing date of September 18, 1990 and the subject application be permitted to continue to be prosecuted to allowance.

Respectfully submitted,

ARTHUR R. HAIR

By Ansel Schwartz
Ansel M. Schwartz, Esquire
Reg. No. 30,587
Cohen & Grigsby
2900 CNG Tower
625 Liberty Avenue
Pittsburgh, PA 15222
(412) 394-4900

Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231, on 12/14/90

Ansel Schwartz
Ansel M. Schwartz
Registration No. 30,587
12/14/90
Date

REFERENCES

150

INVOICE #/DETAIL	CLIENT #	MATTER #	DESCRIPTION	AMOUNT
091290		09/12/90	2102/001	185.00

ENCLOSURE A

ENCLOSURE B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 2102.001 CONT

Anticipated Classification of this application:

Class _____ Subclass _____

Prior application:

Examiner: H. Nguyen

Art Unit: 239

Box FWC
Commissioner of Patents and Trademarks
Washington, D.C. 20231

FILE WRAPPER CONTINUING APPLICATION (FWC) (37 CFR 1.62)

WARNING: This form cannot be used where the parent case may not be abandoned since the filing of a request under the FWC procedure "will be considered to be a request to expressly abandon the prior application as of the filing date granted to the continuing application." 37 CFR 1.62(g).

WARNING: This procedure can only be used for a pending application prior to payment of the issue fee. 37 CFR 1.62(a).

WARNING: The filing of an application as the United States stage of an international application requires an oath or declaration. 37 CFR 1.61(a)(4).

WARNING: The claims of this new application may be finally rejected in the first Office action where all claims of the new application are drawn to the same invention claimed in the earlier application and would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application. MPEP § 706.07(b).

WARNING: An application under 37 CFR 1.62 is filed by making changes by amendment to the prior application, 37 CFR 1.62(a), and not by filing a new application.

WARNING: Filing under 37 CFR 1.62 is permitted only if filed by the same or less than all the inventors named in the prior application.

I. This is a request for a filing under the file wrapper continuing application procedure, 37 CFR 1.62, for a

- continuation
 divisional
 continuation-in-part (for oath or declaration see III below)
 attached is an amendment for added subject matter

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this FWC transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date September 14, 1990 in an envelope as "Express Mail Post Office to Addressee" mailing Label Number MB137703489 addressed to the: Commissioner of Patents and Trademarks Washington, D.C. 20231.

Tracey L. Milka

(Type or print name of person mailing paper)

Tracey L. Milka

(Signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.10(b).

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ENCLOSURE D

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Arthur R. Hair

Serial No.: 07 / 586,391 Group No.: 239

Filed: September 14, 1990 Examiner:

For: TRANSMISSION SYSTEM

Commissioner of Patents and Trademarks

Washington, D.C. 20231

RECEIVED

DEC 17 1990

ASSISTANT
COMMISSIONER'S OFFICE

REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error in that the following data is:

incorrectly entered

and/or

omitted

Applicant's name

Applicant's address

Title

Filing Date

Serial Number

Foreign/PCT Application Reference

Other

in that the filing receipt should read as follows: 9/14/90

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Tracey L. Milka

(Type or print name of person mailing paper)

Tracey L. Milka

(Signature of person mailing paper)

Date: 10/30/90

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ARTHUR R. HAIR

Serial No. 07/586,391

Filed: September 14, 1990

Art Unit 239

Patent Examiner:

) TRANSMISSION SYSTEM

RECEIVED

DEC 17 1990

ASSISTANT
COMMISSIONER'S OFFICE

Pittsburgh, Pennsylvania 15222

November 29, 1990

Assistant Commissioner of Patents
Crystal Park 2
Suite 923
Washington, D.C. 20231

Sir:

DECLARATION

I, Tracey L. Milka, am employed as a patent secretary for the law firm of Cohen & Grigsby.

I obtained a check for \$185.00 on September 12, 1990 (see Enclosure A) and mailed the above-identified patent application with this check by Express Mail on September 14, 1990, as evidenced by the certification under 37 C.F.R. §1.10 (see Enclosure B).

As a substantial part of my job, I file many patent applications, and I always do this by Express Mail. So far, all the applications I have ever mailed (at least more than 100) by

followed the same procedure in mailing and filing the above-identified patent application as I always do and am unaware of any reason why the above-identified patent application should not receive a filing date of September 14, 1990, the date that I placed the above-identified patent application in Express Mail.

Also enclosed is a copy of the return receipt card (see Enclosure C) showing that the above-identified patent application, Preliminary Amendment and copy of Petition for One-Month Extension of Time was mailed on September 14, 1990, but received a mail room stamp of September 18, 1990.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements in the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

12/14/90
Date

Tracey L. Milka
Tracey L. Milka